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## PATENT COOPERATION TREATY

PCT/EP2002/014273

**PCT****BEST AVAILABLE COPY****INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 01-BL-01 EP	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2002/014273	International filing date (day/month/year) 14 December 2002 (14.12.2002)	Priority date (day/month/year) 28 December 2001 (28.12.2001)
International Patent Classification (IPC) or national classification and IPC F25B 39/04, 43/00		
Applicant BEHR LORRAINE S.A.R.L.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 June 2003 (17.06.2003)	Date of completion of this report 27 January 2004 (27.01.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2002/014273

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-4 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-9 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

### 2. Citations and explanations

This report makes reference to the following search report citations:

D1: US-A-5 992 174

D2: EP-A-1 079 186

1. D1, which is considered the closest prior art, discloses a condenser which is soldered (apart from in the collector region) and has a pipe block and collector pipes that are arranged at both ends and accommodate the ends of the pipes, and a collector (1) which is arranged parallel to a collector pipe and is connected for fluid flow via two openings (21, 22) to the adjacent collector pipe and holds a dryer/filter cartridge (6), the collector having a first closure part (4), the cartridge (6) being mechanically (17) connected to the first closure part (4), and a second closure part (5) being connected to the collector.

The device as per claim 1 differs from the above only in that the two closure parts are non-detachably connected to the collector, one by means of soldering.

Proceeding from the above prior art, the technical problem to be solved is that of producing a condenser more simply.

D2 discloses a soldered condenser in which the two closure parts are non-detachably connected to the collector by means of soldering. For a person skilled in the art it is easier and more advantageous to produce this type of connection than a screwed connection.

Moreover, a person skilled in the art is aware that the filter cartridge is exposed to the high temperatures that occur during soldering. Therefore an expert would seek a filter cartridge that will withstand these conditions.

This feature is only one of several obvious possibilities from which a person skilled in the art would choose, according to the circumstances, in order to solve the problem of interest.

Therefore, by combining the teachings of D1 and D2, a person skilled in the art would arrive at the subject matter of claim 1 without having to be inventive.

Consequently claim 1 does not meet the inventive step requirement (EPC Article 56).

2. Dependent claims 2 to 8 contain design details which, insofar as they are not already known from the search report citations, are in the scope of expert ability, in particular since the advantages achieved thereby are easily foreseeable.

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The combination of these features with those of a claim to which they refer back would not lead to inventive subject matter (PCT Article 33(3)).

3. Claim 9 likewise fails to meet the inventive step requirement (see Box V, point 1).

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